

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

ANIMALS, WALES

ANIMAL HEALTH

**The Trade in Animals and Related
Products (Amendment) (Wales)
(EU Exit) Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation, which applies in relation to Wales, relevant to the trade in animals and related products.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Trade in Animals and Related
Products (Amendment) (Wales)
(EU Exit) Regulations 2019**

Sift requirements satisfied 11 February 2019

Made 25 February 2019

Laid before the National Assembly for Wales
27 February 2019

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018⁽¹⁾, make the following Regulations.

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

Title, commencement and application

1.—(1) The title of these Regulations is the Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(1) 2018 c. 16.

- (3) These Regulations apply in relation to Wales.

The Bovine Semen (Wales) Regulations 2008

2.—(1) The Bovine Semen (Wales) Regulations 2008⁽¹⁾ are amended as follows.

- (2) In these Regulations—
- (a) for “an EC”, in each place it occurs, substitute “a licensed”;
 - (b) for “EC”, in each place it occurs, substitute “licensed”.
- (3) In regulation 2(1)—
- (a) at the appropriate place insert—
““licensed” (*“trwyddedig”*) means licensed by the Welsh Ministers”;
 - (b) in the definition of “unlicensed processing premises” (*“mangre brosesu sydd heb ei thrwyddedu”*), in paragraph (a)(ii) for “intra-Community trade” substitute “trade with a member State”.
- (4) In regulation 3—
- (a) in paragraph (2), in the words after sub-paragraph (c), for “intra-Community trade” substitute “trade with a member State”; and
 - (b) omit paragraph (4).
- (5) In regulation 4—
- (a) in paragraph (b), in sub-paragraph (i) and (ii), for “intra-Community trade” substitute “trade with a member State”;
 - (b) in paragraph (c), in sub-paragraph (i) and (ii), for “intra-Community trade” substitute “trade with a member State”.
- (6) In regulation 29(c), for “in another member State or in a third country” substitute “outside of the United Kingdom”.
- (7) In regulation 30—
- (a) for the heading substitute “Trade in semen to a member State”;
 - (b) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), for “for intra-Community trade” substitute “to a member State”;
 - (ii) in sub-paragraph (b), for “another member State or imported from a third country in accordance with the Directive” substitute “outside the United Kingdom”;

(1) S.I. 2008/1040 (W. 110) as amended by S.I. 2013/398 (W. 48); there are other amendments which are not relevant to these Regulations.

- (c) in paragraph (2), for the words “for intra-Community trade” to the end, substitute “to a member State must ensure that it is accompanied by the animal health certificate as published by the Welsh Ministers from time to time.”
- (8) In regulation 38(1), for “another” substitute “a”.
- (9) In Schedule 3—
 - (a) in Part 2—
 - (i) in paragraph 2—
 - (aa) in sub-paragraph (1), for “supplied for intra-Community trade” substitute “placed on the market”;
 - (bb) in sub-paragraph (2), for “the subject of intra-Community trade” substitute “placed on the market”;
 - (ii) in paragraph 3, for “intra-Community trade” substitute “trade with a member State”;
 - (b) in Part 3, in paragraphs 1(b)(i) and (c), for “intra-Community” substitute “other”.
- (10) In Schedule 5, in Part 3, in paragraph 1—
 - (a) in sub-paragraph (a)(ii), for “another”, in the second place it occurs, substitute “in a”;
 - (b) in sub-paragraph (b), for the words from “marking” to the end substitute “distinct marking that is different to marking used at licensed collection and storage centres”.
- (11) In Schedule 8, in Part 1, in sub-paragraphs (a)(ii) and (b)(ii), for “another” substitute “a”.

The Trade in Animals and Related Products (Wales) Regulations 2011

3.—(1) The Trade in Animals and Related Products (Wales) Regulations 2011⁽¹⁾ are amended as follows.

(2) In regulation 2(1), at the appropriate place insert—

““EU Traces system” (“*system Traces yr UE*”) means the Traces system established under Commission Decision 2004/292/EC⁽²⁾ (on the introduction of the Traces system and amending Decision 92/486/EEC)”;

““third country” (“*trydedd wlad*”) means any country other than the British Islands or a member State”.

⁽¹⁾ S.I. 2011/2379 (W. 252), to which there are amendments not relevant to these Regulations.

⁽²⁾ OJ No. L 94, 31.3.2004, p. 63.

(3) In regulation 4, for “between member States” substitute “with member States in accordance with such agreements”.

(4) In Part 2, in the heading, for “Movement between member” substitute “Import from member”.

(5) In regulation 5—

- (a) for the heading, substitute “Import of animals and genetic material from member States”;
- (b) in paragraph (1), for the words “consigned” to the end, substitute “brought into Wales from a member State unless it is accompanied by a relevant completed and signed health certificate for that animal or genetic material.”

(6) Omit regulation 6.

(7) In regulation 7—

- (a) in the heading, for “between member States”, substitute “into Wales”.
- (b) omit paragraph (1);
- (c) in paragraph (2)—
 - (i) for “another” substitute “a”; and
 - (ii) after the words “Welsh Ministers” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”.

(8) In regulation 11—

- (a) in paragraph (1), for “European Commission” substitute “Welsh Ministers”;
- (b) in paragraph (4)—
 - (i) omit the words from “set out” to “third countries”;
 - (ii) omit the words from “and must inform” to “reason”.

(9) In regulation 12(4), after the word “approval” insert “by the Welsh Ministers”.

(10) In regulation 14—

- (a) in paragraph (1), after “post” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”;
- (b) in paragraph (2), after “post” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”;
- (c) in paragraph (4), for “another” substitute “a”.

(11) In regulation 15—

- (a) after paragraph (1), insert—

“(1A) For the purpose of paragraph (1)(a), Article 4 of Council Directive 97/78/EC is to be read as if in paragraph 4(a)(i) and (b)(i) the

references to “Community legislation” were substituted for “retained EU law”.”

(b) after paragraph (1A), insert—

“(1B) For the purpose of paragraph (1)(b), Article 4 of Council Directive 91/496/EEC is to be read as if—

(a) in paragraph 1—

(i) the reference to “Member States” were a reference to “The Welsh Ministers”;

(ii) in the second indent, the words from “at Community level” to the end of that indent were omitted;

(iii) in the third indent, “Community rules” were substituted for “retained EU law”;

(iv) in the last indent, the words from “through” to the end of that indent were omitted;

(b) in paragraph 2—

(i) in sub-paragraph (b), “Community rules” were substituted for “retained EU law”;

(ii) in sub-paragraph (d), the words “For the purposes of” to “his direction” were omitted;

(c) paragraph 5 were omitted.”; and

(c) in paragraph (4)—

(i) in sub-paragraph (a), for the words from “the lists” to the end substitute “a list of approved third countries, or where imports from that territory are otherwise prohibited”;

(ii) in sub-paragraphs (b), (c) and (e), for “legislation of the European Union” substitute “retained EU law”.

(12) In regulation 18—

(a) in paragraph (2), for “European Union” substitute “United Kingdom”; and

(b) omit paragraph (4).

(13) In regulation 20(1)(b), for “outside the European Union” substitute “to a third country”.

(14) For regulation 22(1) substitute—

“(1) If veterinary checks reveal that third country products are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, the Welsh Ministers may apply this regulation to subsequent similar products brought into Wales from a particular third country, part of a

third country or a particular establishment until satisfied that further infringements are no longer recurring.”

(15) In regulation 23—

- (a) in paragraph (1)(c), omit “, outside the European Union”; and
- (b) in paragraph (3)(b), omit “outside the European Union”.

(16) In regulation 27—

- (a) in paragraph (1), in the words before subparagraph (a), for “European Union” substitute “United Kingdom”;
- (b) in paragraph (3)(a), omit “in the member State”.

(17) In regulation 33(2), omit “, including any representative of the European Commission”.

(18) In regulation 35—

- (a) in the heading and paragraph (1), for “another” substitute “a”;
- (b) for paragraph (2)(c), substitute—
 - “(c) returning the animals or genetic material to the member State of despatch, with the authorisation of the competent authority, and following prior notification to any member State of transit.”

(19) In regulation 39, in the table—

- (a) in column 1, omit “regulation 6(5)” and the corresponding entry in column 2;
- (b) in column 1, omit “regulation 6(6)” and the corresponding entry in column 2.

(20) Schedule 2 is amended in accordance with paragraphs (21) and (22).

(21) In Part 1—

- (a) in the heading, for “trade between” substitute “imports from”;
- (b) in paragraph 2(1), for “between” substitute “from”;
- (c) omit paragraph 3;
- (d) in paragraph 4, in the words before subparagraph (a), omit “relating to trade between member States”;
- (e) in paragraph 5—
 - (i) for sub-paragraph (1), substitute—
 - “(1) No person may import an ape (simia and prosimian) unless it comes from a centre approved by the competent authority of a member State and is destined for a centre approved by the Welsh Ministers in accordance

with Council Directive 92/65/EEC (“the Balai Directive”).”;

(ii) after sub-paragraph (1), insert—

“(1A) Sub-paragraph (1) is subject to sub-paragraph (1B).”;

(iii) after sub-paragraph (1A), insert—

“(1B) The Welsh Ministers may in writing authorise an approved body to acquire an ape from an individual.”

(iv) in sub-paragraph (2), at the end insert

“(with references in Article 13 to a member State of destination to be read as a reference to Wales, a reference to a competent authority of a member State to be read as the Welsh Ministers, and paragraphs 2(d) and (e) being omitted).”

(v) in sub-paragraph (3), at the end insert

“(with references in point 6 of Annex C to the competent authority to be read as a reference to the Welsh Ministers, references to Community legislation as references to retained EU law, and paragraph (d) of point 6 being omitted).”;

(vi) in sub-paragraph (4), for the words from

“between member” to the end, substitute “in ova and embryos of the ovine, caprine and equine species and semen of the ovine, caprine and equine species and of swine.”;

(vii) omit sub-paragraph (5);

(f) for paragraph 6(3) substitute—

“(3) No person may contravene Article 10(1) of that Commission Regulation (notification of movement).”;

(g) for paragraph 7, substitute—

“Animal by-products

7. No person may import into Wales an animal by-product to which Article 48 of Regulation (EC) No 1069/2009 applies unless it is imported in accordance with that Article.”;

(22) In Part 2, in paragraph 9, before “Commission” insert “the import of certain birds and quarantine conditions for the purpose of”.

(23) In Schedule 3, in paragraph 5 —

(a) in the heading, for “member State” substitute “part of the United Kingdom”;

(b) after “products” insert “from a third country”;

(c) omit “another member State or”.

Lesley Griffiths
Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
25 February 2019